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FACSIMILE TRANSMITTAL SHEET

TO:
Hon. Michael H. Dolinger

FROM:
Jeffrey L. Noguee

COMPANY:
United State Magistrate Judge

SENDER'S FAX #: / SENDER'S PHONE NUMBER
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RE:
Texport Fabrics v Brown
Index No. 10-CV-
02774(VM(MHD))

DATE:
December 17, 2010

☐ FYI ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

NOTES/COMMENTS:

Letter attached in response to letter of this date from Eddy Salcedo, Esq., attorney for Defendant.

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December 17, 2010

Via Facsimile and ECF
 212-805-7928

Hon. Michael H. Dolinger
 United State Magistrate Judge
 Federal District Court for the Southern District of New York
 500 Pearl Street, Room 1617
 New York, NY 10007

Re: Texport Fabrics, Inc. v. David J. Brown a/k/a David-Joseph Brown
 U.S. District Court, Southern District of New York Index No. 10-CV-2774 (VM(MHD))

Dear Magistrate Dolinger:

We have reviewed the letter of this date from Defendant's counsel seeking a further extension of time to respond to Plaintiff's Motion for Summary Judgment. As your Honor is aware, our motion originally was returnable on December 23, 2010, with Defendant's opposition due on or before December 6, 2010.

We willingly consented to an extension of those dates to the present schedule whereby the motion is returnable January 14, 2011 and Defendant's opposition is to be served by this coming Monday, December 20, and our reply due within 14 days after receipt of Defendant's papers. That extension was based on the belief that the time should be sufficient for the parties to work out a reasonable settlement of the matter.

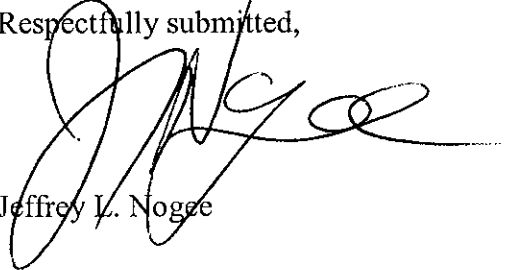
While it appears that the parties are getting closer to reaching an agreement, we don't believe that another prolonged extension of the return date of our motion is necessary for Defendant to decide if the settlement amount and payment terms being negotiated are acceptable. Our client, therefore, has offered a limited extension through Wednesday, December 22, 2010 (five days from today) for Defendant to decide if he will settle or oppose the motion.

Hon. Michael H. Dolinger
United State Magistrate Judge

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We, therefore, respectfully object to the requested second extension of more than 30 days for Defendant to submit his opposition to our summary judgment motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Nogge', is written over the text 'Respectfully submitted,'.

Jeffrey L. Nogge

JLN/mw
Enc.

Cc: Eddy Salcedo, Esq. (via e-mail: ESalcedo@seyfarth.com)
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Attorneys for Defendant